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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/534,576	10/11/2005	Frederic Bellott	016906-0395	3391

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FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

EXAMINER

ROSATI, BRANDON MICHAEL

ART UNIT	PAPER NUMBER
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3744

MAIL DATE	DELIVERY MODE
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07/09/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/534,576	Applicant(s) BELLOTT ET AL.	
	Examiner BRANDON M. ROSATI	Art Unit 3744	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 April 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/11/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

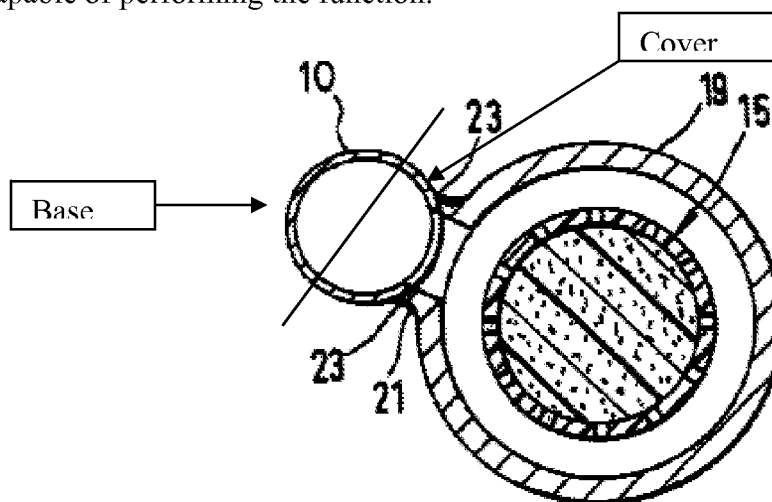
1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 6, 10, and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Kaspar et al. (U.S. Patent No. 6,446,714 B1).

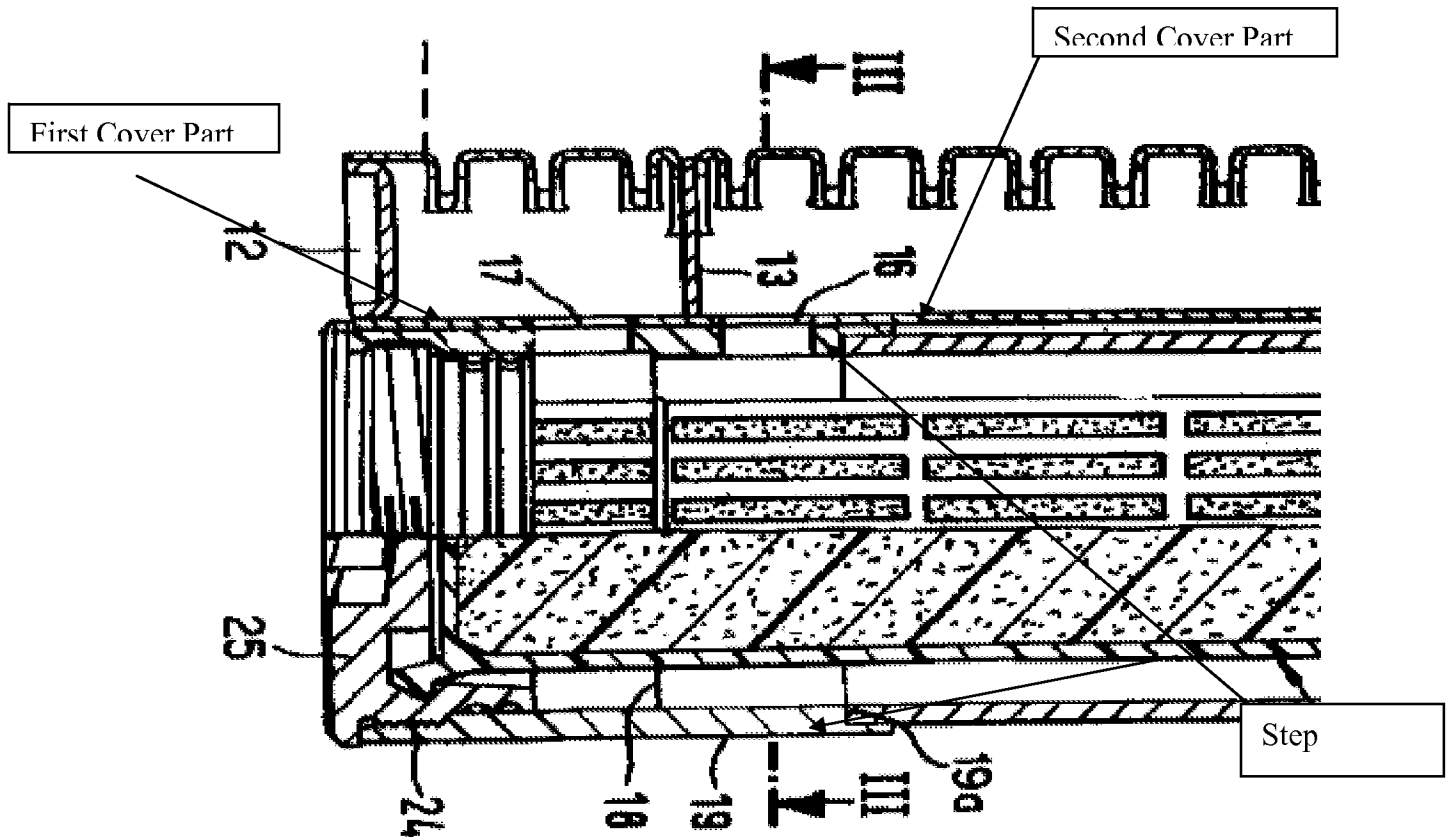
Regarding claim 1, Kaspar et al. disclose in Figure 1, a condenser comprising a block of tubes and ribs (i.e. block) (B), a collecting tube (10) having a base and a cover (See Figure Below), wherein the base is configured to accommodate the ends of the tubes, a collector (14) arranged in parallel to the collecting tube, fluidly connected to the collecting tube via openings (16 and 17), the collector comprises a tube (region above (19a)) and a profile piece (19) having connecting openings (16 and 17), wherein the profile piece has an integrally formed first over part which forms at least part of the cover (Column 2, Lines 29-60). It is noted that the phrase "for motor-vehicle air-conditioning units" is a statement of intended use and the device is capable of performing the function.



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Regarding claim 2, Kaspar et al. disclose the cover connected to the base (see Figure above)

Regarding claim 3, Kaspar et al. disclose the cover of the collecting tube composed of the first cover part and a shortened second cover part (see Figure below)



Regarding claim 6, Kaspar et al. disclose the first cover part and the profile piece having a top edge which forms a step against which a second cover partially bears (see Figure above).

Regarding claim 10, Kaspar et al. disclose a second cover part (see Figure above) wherein the cover of the collecting tube is formed by at least the first cover part and the second cover part.

Regarding claim 11, Kaspar et al. disclose in Figure 1, the first and second cover parts forming the entire cover of the collecting tube.

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 1-4, 6, 10, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue (U.S. Patent No. 5,946,940) in view of Kaspar et al. (U.S. Patent No. 6,446,714 B1) .

Regarding claim 1, Inoue discloses in Figure 3A all the claimed limitations including a condenser comprising a block of tubes (5) and ribs (i.e. fins) (6), at least one collecting tube (i.e. tank) (4), having a base (i.e. insertion plate) (49) and a cover (i.e. tank plate) (47), wherein the base is configured to accommodate the ends of the tubes, a collector (i.e. receiver tank) (2), arranged parallel to the collecting tube and is fluidically connected to the collecting tube via connecting openings (i.e. passages) (35 and 36) (Column 8, lines 9-60). Inoue does not disclose a collector comprising a tube and a profile piece having the connection openings. However, Kaspar et al. disclose in Figure 1, a collector comprising a tube (region above (19a)) and a profile piece (19) having connecting openings (16 and 17), wherein the profile piece has an integrally formed first over part which forms at least part of the cover (Column 2, Lines 29-60). Hence, it would have been obvious, to one of ordinary skill in the art, at the time the invention was made, to modify the teaching of Inoue with the profile piece of Kaspar et al. because by utilizing the profile piece the part of the tube which has the openings can be strengthened. Furthermore, it would be an obvious mechanical expedient to one of ordinary skill to position the

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connection openings in any configuration on the collector depending on the distribution of the fluid.

Regarding claim 2, Inoue discloses in Figure 3A, the cover (47) connected to the base (49).

Regarding claim 3, Kaspar et al. disclose the cover of the collecting tube composed of the first cover part and a shortened second cover part (see Figure above)

Regarding claim 4, Inoue discloses in Figure 3A, the first cover having two longitudinal edges which engage the case (see Figure 3B also).

Regarding claim 6, Kaspar et al. disclose the first cover part and the profile piece having a top edge which forms a step against which a second cover partially bears (see Figure above).

Regarding claim 10, Kaspar et al. disclose a second cover part (see Figure above) wherein the cover of the collecting tube is formed by at least the first cover part and the second cover part.

Regarding claim 11, Kaspar et al. disclose in Figure 1, the first and second cover parts forming the entire cover of the collecting tube.

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kaspar et al. (U.S. Patent No. 6,446,714 B1) in view of Inoue (U.S. Patent No. 5,946,940).

Regarding claim 4, Kaspar et al. disclose all the claimed limitations except the first cover having two longitudinal edges which engage the base. However, Inoue disclose in Figure 3A, a collecting tube which has two longitudinal edges engaging the base (49). Hence, it would have been obvious, to one of ordinary skill in the art, at the time the invention was made, to modify the teaching of Kaspar et al. with the longitudinal edges of Inoue because this would allow for

the cover to be more easily position and ease in the manufacturing process. Furthermore, it would ensure that the parts are lined up correctly and help to facilitate a stronger seal.

6. Claims 5 and 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue (U.S. Patent No. 5,946,940) in view of Kaspar et al. (U.S. Patent No. 6,446,714 B1) in further view of Burk et al. (U.S. Patent No. 5,537,839).

Regarding claim 5, the combined teachings of Inoue and Kaspar et al. disclose all the claimed limitations except a lip arranged parallel to at least one longitudinal edge of the profile piece, wherein the lip forms a groove to accommodate the base. However, Burk et al. disclose in Figure 9, the concept of utilizing a groove to accommodate a lip (Column 4, lines 1-33). Hence, it would have been obvious, to one of ordinary skill in the art, at the time the invention was made, to modify the combined teachings of Inoue and Kaspar et al. with the groove and lip of Burk et al. because by utilizing the groove and lip a tighter seal can be achieved and thus reduction of the risk of leaks will occur.

Regarding claim 7, Burk et al. disclose that individual components of the condenser are brazed (i.e. soldered) together in a furnace, which would include the cover to the base (Column 1, lines 42-44). It is noted that claim 7 contains a product by process limitation (i.e. brazed to the base) and that the product by process limitation does not limit the claim to recite the step, just the structure obtained by performing the step.

Regarding claim 8, Burk et al. disclose in Figure 9, the profile piece includes two longitudinal grooves located on each side of the first cover part.

Regarding claim 9, Burk et al. disclose in Figure 9, the longitudinal groove located on each side of the first cover part.

7. Claims 5 and 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaspar et al. (U.S. Patent No. 6,446,714 B1) in view of Inoue (U.S. Patent No. 5,946,940) in further view of Burk et al. (U.S. Patent No. 5,537,839)..

Regarding claim 5, the combined teachings of Kaspar et al. and Inoue disclose all the claimed limitations except a lip arranged parallel to at least one longitudinal edge of the profile piece, wherein the lip forms a groove to accommodate the base. However, Burk et al. disclose in Figure 9, the concept of utilizing a groove to accommodate a lip (Column 4, lines 1-33). Hence, it would have been obvious, to one of ordinary skill in the art, at the time the invention was made, to modify the combined teachings of Kaspar et al. and Inoue with the groove and lip of Burk et al. because by utilizing the groove and lip a tighter seal can be achieved and thus reduction of the risk of leaks will occur.

Regarding claim 7, Burk et al. disclose that individual components of the condenser are brazed (i.e. soldered) together in a furnace, which would include the cover to the base (Column 1, lines 42-44). It is noted that claim 7 contains a product by process limitation (i.e. brazed to the base) and that the product by process limitation does not limit the claim to recite the step, just the structure obtained by performing the step.

Regarding claim 8, Burk et al. disclose in Figure 9, the profile piece includes two longitudinal grooves located on each side of the first cover part.

Regarding claim 9, Burk et al. disclose in Figure 9, the longitudinal groove located on each side of the first cover part.

Response to Arguments

8. Applicant's arguments, see Remarks sections titled Information Disclosure Statement, filed 4/8/2008, with respect to the references not initialed have been fully considered and are persuasive. The objection of Information Disclosure Statement has been withdrawn.

9. Applicant's arguments with respect to claims 1-11 have been considered but are moot in view of the new ground(s) of rejection.

10. As a note, applicant says on page 5, paragraph 4 that "Inoue is a patent that was commonly owned at the time this invention was made." However, this is incorrect and the reference applicant is referring to is Kaspar et al. ('486).

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hausmann (U.S. Patent No. 4,923,002) discusses that ribs and fins are commonly referred to in the art as the same.

Jung et al. (U.S. Pub. No. 2008/0047297 A1) discusses a condenser having the same assignee.

Bellott et al. (U.S. Patent No. 7,036,336 B2) discusses a condenser having the same assignee.

Kaspar et al. (U.S. Pub. No. 2007/0044505 A1) discusses a condensing device having the same assignee.

Forster et al. (U.S. Patent No. 7,121,114 B2) discusses a condenser having the same assignee.

Aki et al. (U.S. Patent No. 6,397,627 B1) discusses a condenser.

Matsuo et al. (U.S. Patent No. 5,546,761) discusses a condenser.

De Keuster et al. (U.S. Patent No. 6,223,556 B1) discusses a condenser.

Haussmann (U.S. Patent No. 6,430,945 B1) discusses a condenser.

Seno et al. (U.S. Pub. No. 2004/0182553 A1) discusses a heat exchanger.

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRANDON M. ROSATI whose telephone number is (571)270-3536. The examiner can normally be reached on Monday-Friday 8:00am- 4:30pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cheryl Tyler or Frantz Jules can be reached on (571) 272-4834 or (571) 272-6681. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications

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may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BMR 7/1/2008	/Cheryl J. Tyler/ Supervisory Patent Examiner, Art Unit 3744
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